

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY NEWARK DIVISION**

UNITED STATES OF AMERICA; and)
The States of CALIFORNIA, DELAWARE,)
FLORIDA, GEORGIA, HAWAII,)
ILLINOIS, INDIANA, LOUISIANA,)
MICHIGAN, NEVADA, NEW)
HAMPSHIRE, NEW JERSEY,)
NEW MEXICO, NEW YORK)
OKLAHOMA, RHODE ISLAND)
TENNESSEE, TEXAS, WISCONSIN)
THE COMMONWEALTH OF)
MASSACHUSETTS, THE)
COMMONWEALTH OF VIRGINIA,)
and THE DISTRICT OF COLUMBIA,)
ex rel. DELE OBAITAN,)

Plaintiffs,

v.

PRICARA, a unit of)
ORTHO-MCNEIL, a division of)
ORTHO-MCNEIL JANSSEN)
PHARMACEUTICALS, INC.)

Defendants

Civil Action No. 10-6774

R E C E I V E D

OCT 02 2014

AT 8:30 _____ M
WILLIAM T. WALSH
CLERK

FILED UNDER SEAL

Pursuant to 31 U.S.C. §3730(b)(2)

**THE PLAINTIFF STATES' NOTICE OF ELECTION TO DECLINE INTERVENTION
AND CONSENT TO VOLUNTARY DISMISSAL WITHOUT PREJUDICE**

Pursuant to their respective state statutes, the States of California, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Louisiana, Massachusetts, Michigan, Nevada, New Hampshire, New Jersey, New Mexico, New York, Oklahoma, Rhode Island, Tennessee, Virginia, Wisconsin and the District of Columbia ("the States") notify the Court of their

STATES' NOTICE OF ELECTION TO DECLINE INTERVENTION

decisions to not intervene in this Action. Relator filed this action under the Federal False Claims Act and similar statutes existing in 21 states and the District of Columbia. The States have asked undersigned counsel for the State of New Jersey to inform the Court that they have decided not to intervene in this action.

The State of Texas has previously filed a Notice of Non-Intervention in this matter pursuant to the Texas Medicaid Fraud Prevention Act, chapter 36 of the Texas Human Resources Code ("TMFPA"). This Notice was filed in August 2011.

In the event the Relator files a Motion for Voluntary Dismissal without Prejudice, the States, (with the exception of the Commonwealth of Virginia),¹ and the State of Texas hereby consent to said voluntary dismissal, and request all motions to that effect and Orders or rulings by the Court be sent to them by Relator's counsel.

The States and the State of Texas request that Relator's counsel serve all complaints, notices of appeal, Orders of this Court, and supporting memoranda on them.

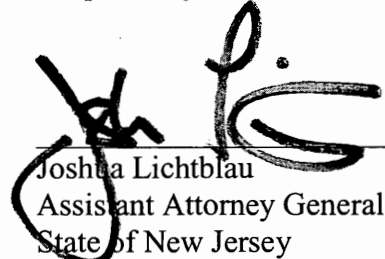
The States and the State of Texas request that the Plaintiff States' Notice of Election to Decline Intervention and Consent to Voluntary Dismissal without Prejudice be unsealed to the public, along with the Court's Order on this Declination, and the prior Texas Notice of Non-Intervention filed in August 2011 upon unsealing of the complaint by Court Order..

The Plaintiff States reserve their right to order any deposition transcripts, and to move to intervene in this action, for good cause, at a later date.

¹ Pursuant to Va. Code Ann. § 8.01-216.5(A), Relator Obaitan must obtain the Commonwealth of Virginia's separate, written consent prior to voluntary dismissal in this matter.

A proposed order accompanies this notice.

Respectfully Submitted,



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NEW JERSEY and filing at the
request of the States of California,
Delaware, Florida, Georgia, Hawaii,
Illinois, Indiana, Louisiana,
Michigan, Nevada, New Hampshire,
New Jersey, New Mexico, New
York, Oklahoma, Rhode Island,
Tennessee, Texas, Wisconsin, the
Commonwealths of Massachusetts
and Virginia, and the District of
Columbia.

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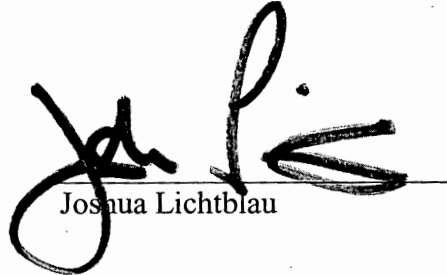
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CERTIFICATE OF SERVICE

I hereby certify that this document with any attachments will be served on the parties listed above, as well as relator's counsel and the United States Attorney's Office representative listed below, via United States mail service.

Dated: October 2, 2014.



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